

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1137 OF 2007

In

SUIT NO.4105 OF 1994

Krystal Avenue Co-operative Housing

Society Limited & Ors.

: Plaintiffs

V/s.

R.N.A. Builders & Anr.

: Defendants

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Mr.C.P.Deogirikar for the plaintiffs.

Mr.V.R.Dhond i/b. M/s.P.K.Shroff & Co., for defendant no.1.

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CORAM : A.M. KHANWILKAR, J.

DATE : APRIL 30, 2007.

P.C.

1. As the counsel for the defendant no.1 states that if the plaintiff-society were to indicate the name of the Architect or the person made responsible for carrying out repair work and the period during which such repairs would be carried out, the defendant no.1 will extend logistical support for carrying out such repairs which is essential for maintenance of the building. The society to inform the defendant no.1 in writing to provide all material details in that behalf. The assurance given by the

defendant no.1 as recorded earlier is accepted. In view of this assurance, nothing survives for consideration in the present Motion. It is, however, made clear that if the plaintiff-society finds the arrangement unworkable or for that matter the defendant no.1 is unduly refusing access to the terrace for carrying out repair work even during reasonable hours, it will be open to the plaintiffs to take out a fresh Notice of Motion for the same or such other reliefs as may be advised.

2. Notice of Motion is disposed of with liberty as aforesaid.

A.M.KHANWILKAR, J.